

Exhibit “5”

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

STEPHANIE HERNANDEZ, §
Plaintiff, §
v. § Civil Action No. 1:18-CV-00319-RP
CLEARWATER TRANSPORTATION, LTD §
Defendant. §

PLAINTIFF'S ANSWERS AND OBJECTIONS TO
DEFENDANT'S FIRST SET OF INTERROGATORIES

TO: Defendant Clearwater Transportation, Ltd., by and through its attorney of record, Michael J. DePonte, Jackson Lewis P.C., 500 N. Akard, Suite 2500, Dallas, Texas 75201.

Plaintiff Stephanie Hernandez (“Plaintiff”) submits her Objections and Responses to Defendant’s First Set of Interrogatories to Plaintiff pursuant to Federal Rule of Civil Procedure 33.

Respectfully Submitted,

KAPLAN LAW FIRM, PLLC



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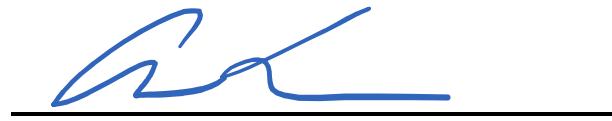
COUNSEL FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of November 2018, I sent a true and correct copy of the above and foregoing to all counsel of record as follows:

Via Email

Michael J. DePonte
depontem@jacksonlewis.com
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Austin Kaplan

INTERROGATORIES

Objection to Defendant's General Instructions and Definitions:

Plaintiff objects to the Defendant's General Instructions and Definitions to the extent that they require her to do more than is required by the Federal Rules of Civil Procedure. Plaintiff also objects to the General Instructions and Definitions No. 9 to the extent it is intended to include Plaintiff's attorneys.

INTERROGATORY NO. 1: Describe in detail the "disability" which is the basis of this Lawsuit. Your response should include the following information:

- a. Symptoms;
- b. Duration of symptoms;
- c. Medical treatments received to alleviate symptoms; and
- d. Medical professionals who have and/or are currently providing you treatment.

OBJECTIONS AND ANSWER: Plaintiff objects to this interrogatory to the extent that it suggests limitations to the definition of "disability" that are not present in the relevant statutes. Plaintiff also objects to this interrogatory to the extent it requires Plaintiff to marshal all of her evidence in support of her disability claims. Plaintiff was diagnosed with hyperemesis gravidarum during her pregnancy, which was considered high-risk. Symptoms Plaintiff experienced with hyperemesis gravidarum included but were not limited to severe nausea, vomiting, dehydration, and weakness. During her pregnancy, she received medical treatment at Seton Medical Center Hays and through her obstetricians, Dr. Jamie Zachrison and Dr. Michelle Chouteau, and other providers including Texas Perinatal Group.

INTERROGATORY NO. 2: On Page 5 of your Complaint, you state that Plaintiff requested an accommodation. Describe each accommodation that you proposed to Defendant including to whom you spoke with at Clearwater Transportation regarding the proposed accommodation.

OBJECTIONS AND ANSWER: Plaintiff objects to this Interrogatory to the extent that it does not precisely and accurately state the contents of her Complaint (which on page 5 states that she sought accommodations). Plaintiff discussed her pregnancy and pregnancy-related medical condition with various members of management including Monty Merrill, Renee Mitchell, and Danny Owens. Accommodations she proposed included time off, working from home, adjusting her work schedule, or working on an hourly basis.

INTERROGATORY NO. 3: On Page 5 of your Complaint, you state that Plaintiff requested an accommodation. Describe the specific duties and essential functions of your position to which you proposed be modified and/or adjusted.

OBJECTIONS AND ANSWER: Plaintiff objects to this Interrogatory to the extent that it does not precisely and accurately state the contents of her Complaint (which on page 5 states that she sought accommodations). Plaintiff also objects to this Interrogatory as not proportional to the needs of the case, as it distorts Plaintiff's obligations under the applicable disability laws with

DECLARATION

THE STATE OF TEXAS §
COUNTY OF HAYS §

My name is Stephanie Hernandez, and I declare pursuant to 28 U.S.C. § 1746 and under penalty of perjury under the laws of the United States of America that I have read the foregoing Plaintiff's Answers and Objections to Defendant's First Set of Interrogatories, and that the facts stated in it are within my personal knowledge and are true and correct.

By:

Interrogatories, and that the facts stated in
correct.